UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

STIPULATION OF DISMISSAL

THE PARTIES TO THE ABOVE-ENTITLED ACTION, PURSUANT TO THE PROVISIONS OF LOCAL RULE 41 (a) (1) (ii), HEREBY STIPULATE THAT SAID ACTION BE DISMISSED WITH PREJUDICE AND WITHOUT COSTS AND WAIVING ALL RIGHTS TO APPEAL.

DATED: February 21, 2006

Defendants

/s/ David B. Kaplan_

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